

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WARREN K. BEARD,

Plaintiff,

Civil Action No. 17-CV-10851

vs.

HON. BERNARD A. FRIEDMAN

UNITED STATES, et al.,

Defendants.

OPINION AND ORDER DISMISSING THE COMPLAINT

This matter is before the Court on the Court's own review of the petition for a writ of habeas corpus [docket entry 1]. The gist of the petition is that in 2007, petitioner narrowly escaped assassination by the United States Central Intelligence Agency ("CIA"), whose actions against petitioner were authorized by a "[c]lassified executive court." Petitioner argues that because this assassination attempt violates Executive Orders and case law, he is entitled to \$7 billion.

This is not the first time petitioner has alleged CIA malfeasance: In 2015, he filed a complaint against the, Michelle Meeks, and the United States of America, alleging practically the same facts as those in the instant petition. There, the Court dismissed petitioner's complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). August 26, 2016, Opinion and Order in *Beard v. Central Intelligence Agency, et al.*, No. 15-cv-10958. For the same reason, the Court dismisses the instant petition.

28 U.S.C. § 1915(e)(2)(B)(i) states that the Court "shall dismiss the case at any time if the court determines that the" action "is frivolous or malicious"; that is, "if it lacks an

arguable basis in law or fact.” *Brown v. Bargery*, 207 F.3d 863, 866 (6th Cir. 2000). This includes “allegations that are ‘fantastic or delusional.’ *Id.* (citation omitted).

In the instant case, petitioner’s totally unjustified and unsubstantiated assertions are just that. This is true even though the Court holds petitioner’s *pro se* pleading “to less stringent standards” than lawyer-drafted pleadings. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). There is not a shred of supporting evidence indicating that the CIA attempted to assassinate him, and the Court finds his claims fantastical and delusional.¹

Accordingly,

IT IS ORDERED that petitioner’s application to proceed *in forma pauperis* is granted.

IT IS FURTHER ORDERED that the petition is dismissed.

IT IS FURTHER ORDERED that no certificate of appealability shall issue and that petitioner may not proceed on appeal *in forma pauperis*, as petitioner has not made a substantial showing of the denial of a constitutional right and any appeal would be frivolous.

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: March 21, 2017
Detroit, Michigan

¹ Indeed, that petitioner has not disappeared without a trace is strong evidence that the CIA does not want to kill him.

Certificate of Service

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 21, 2017, by electronic and/or ordinary mail.

s/Teresa McGovern
Case Manager Generalist